

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ERROL THOMAS,

Petitioner,

-against-

WILLIAM E. PHILLIPS, Warden, Green Haven
Correctional Facility,

Respondent.
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JUDGMENT
04-CV- 4691 (NGG)

A Memorandum and Order of Honorable Nicholas G. Garaufis, United States District Judge, having been filed on September 27, 2005, granting the petitioner's application for a writ of habeas corpus with respect to the state court's impermissible action in sentencing the defendant to consecutive terms of imprisonment for the conviction of three counts of First-Degree Sexual Abuse; denying the petition for a writ of habeas corpus in all other respects; and directing the state trial court to resentence the defendant in a manner consistent with the Court's Memorandum and Order dated September 27, 2005; it is

ORDERED and ADJUDGED that the petitioner's application for a writ of habeas is granted with respect to the state court's impermissible action in sentencing the defendant to consecutive terms of imprisonment for the conviction of three counts of First-Degree Sexual Abuse; that the petition for a writ of habeas corpus is denied in all other respects; and that the state trial court is directed to resentence the petitioner in a manner consistent with the Court's Opinion and Order dated September 27, 2005.

Dated: Brooklyn, New York
October 04, 2005

ROBERT C. HEINEMANN
Clerk of Court